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CHUCKS LLC d/b/a REAL BROTHER COLLECTION,  
An Indiana Company

Case No. 09 CIV 3858

Plaintiff,

**NOTICE OF MOTION**

-against-

ART ZULU, INC.,  
A New Jersey Corporation

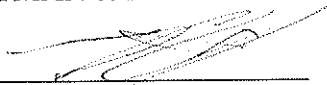
Defendant.  
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TO: Dubal Law Offices, LLC  
15 Corporate Plae South, Suite 319  
Piscataway, NJ 08854

PLEASE TAKE NOTICE that upon the annexed Certification of Lora Flaugh and the exhibits annexed thereto, a motion will be made to this Court before the Honorable Claire C. Cecchi at the United States Courthouse for the District of New Jersey located at 50 Walnut Street, Room 2064, Newark, New Jersey 07102 pursuant to Federal Rule of Civil Procedure 12(b)(6) for an Order dismissing plaintiff's complaint for failure to state a cause of action, along with such other and further relief this Court deems just and proper.

Dated: New York, New York  
December 1, 2009

HANTMAN & ASSOCIATES

  
\_\_\_\_\_  
Robert J. Hantman (3947)  
Attorneys for Defendant  
1515 Broadway, 11th Floor  
New York, NY 10039  
(212) 684-3933

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

-----X'  
CHUCKS LLC, d/b/a REAL BROTHER COLLECTION,

An Indiana Company

Case No. 09 CV 3858 (CCC)

Plaintiff,

-against-

**CERTIFICATION OF  
LORA FLAUGH**

ART ZULU, INC.

A New Jersey Corporation

Defendant.  
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Lora Flaugh, certifies as follows:

1. I am the President of the defendant Art Zulu, and as such I am personally familiar with the facts stated herein.
2. I submit this Certification in support of the motion pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss plaintiff's complaint for failure to state a claim for which relief may be granted.
3. Annexed hereto as Exhibit A, is the printout from Art Zulu's website which sets forth that the agency does design, branding, and marketing. Notably it does not manufacture, produce or supply clothing as alleged in plaintiff's complaint.
4. Annexed hereto as Exhibit B is the invoice submitted by Art Zulu for the design work it provided to plaintiff. The invoice was accepted and paid by plaintiff without objection. Notably there is no indication of Art Zulu being responsible for any manufacture, production or supplying of clothing.
5. Therefore, as set forth in the accompanying memorandum of law, plaintiff's complaint should be dismissed in its entirety.
6. The foregoing statements are true to the best of my knowledge, I am aware that any

statement made which is willfully false may subject me to punishment.

Dated: New York, New York  
December 1, 2009

  
LORA FLAUGH



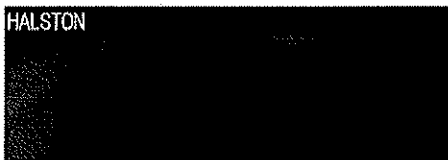
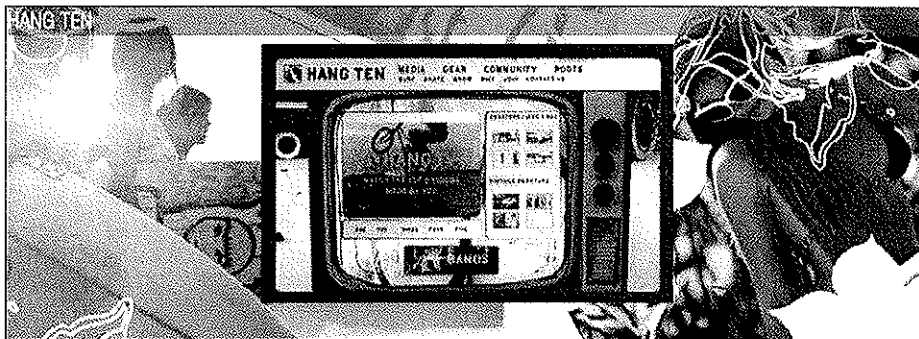
## WORKCOMPANYNEWSCONTACT

Art Zulu is a full service design, branding and marketing agency.

We specialize in helping brands reach their target market through innovative designs and new media marketing.

We have experience in both boutique and national brand building in both fashion collections and consumer goods.

We approach every project with the right balance of artistry and business.





## WORKCOMPANYNEWSCONTACT

## ART ZULU

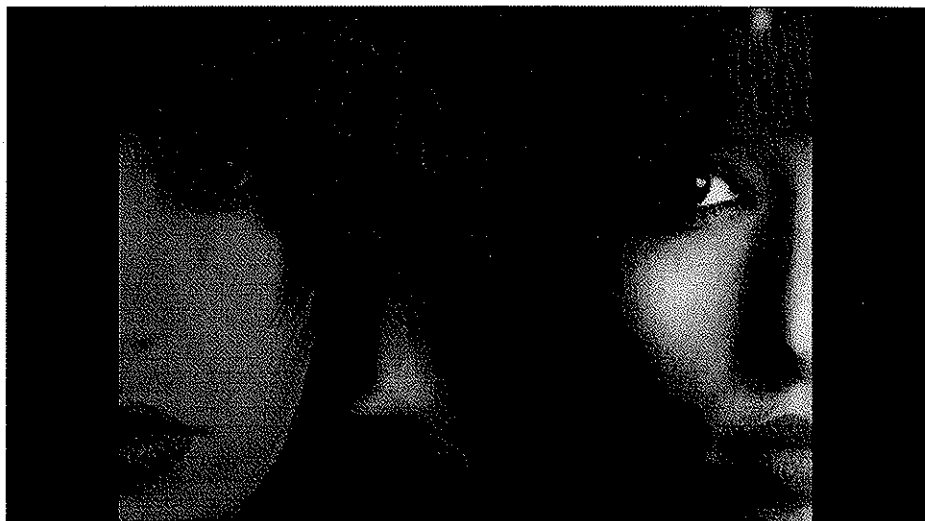
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## LORA FLAUGH

Managing Director and Creative Director

Lora Flaugh is a designer, strategist, and producer of brands for both consumer goods and fashion collections. She has extensive experience conceiving, developing, and launching brands to multiple market sectors.

Leading Art Zulu, which she launched in 1999, means shaping the agency's overarching vision as well as guiding teams of creatives including fashion designers, copywriters and interactive and graphic designers, working across disciplines to position as the agency produces designs. Her focus is on reshaping and producing new brands that can become in-store



ART ZULU INC.

1333 Broadway  
Suite #301  
New York, NY 10018  
212-868-0377/Fax 212-868-0386

**Invoice**

DATE	INVOICE #
11/11/2005	73186

BILL TO
Chuks Corp d/b/a Real Brother Collection Benstone ND Chukwuocha P.O. Box 502488 Indianapolis, IN 46250

TERMS	DUE DATE
As Below	11/11/2005

DESCRIPTION	AMOUNT
Design Project for Real Brother Collection - 18-22 items as follows: 10 T-shirts 2 Hats/ 2 Visors 2 Athletic Jacket and Pant Sets 3 Jeans 3 Sweatshirts Included in the Design Project are: 1. Fashion Design sketch of each style 2. Selection of Fabric and denim washes 3. Original Graphic Art for each style as needed 4. Original Graphic Art/Layout with Pantone colors Also included for Project: Web Site construction (\$5,000.00) Press Kit Layout  Payment Terms: \$12,500 Due by Nov 30, 2005 - at start of project (includes \$2500 for Website) \$7,500 - due on or before Dec 9, 2005 (interim design payment) \$5,000 - due by Dec 14, 2005 on approval of design concepts (includes website) \$2,000.00 due on or before Dec 21, 2005 on presentation of final project and tech packs Wire funds to: JP Morgan/Chase Manhattan Bank - ABA: 021000021 / Acct: 020503662865/ Art Zulu, Inc.	27,000.00
	<b>Total: \$27,000.00</b>
All Artwork, Creative Work, and Intellectual Concepts remain the property of Art Zulu until this invoice is paid in full. Client is not permitted to use any work involved in the project prior to payment of this invoice in full.	<b>Payments/Credits \$0.00</b>
	<b>Balance Due \$27,000.00</b>











